THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5307 of 2007

Dated 23-03-2007

Between:
P.Alankaramma & others.

..... PETITIONER

AND

The Deputy Registrar of Cooperative Societies, Nuzvid, Krishna District & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5307 of 2007

ORDER:

Petitioners are the members of the Managing Committee of the Agiripalli Primary Agricultural Cooperative Society Limited, the second respondent herein. On 24-01-2007, they submitted a requisition to the President of the Society, the third respondent herein, to convene a meeting to discuss three items mentioned therein. They have also submitted a copy of the same to the Deputy Registrar of Cooperative Societies, the first respondent herein. On finding that the third respondent did not convene the meeting, the first respondent issued notice dated 08-03-2007 proposing to convene the meeting of the Managing Committee on 28-03-2007. Three items were incorporated in the agenda, which are different from those mentioned in the requisition issued by the petitioners. The grievance of the petitioners is that the items incorporated in the requisition are not tabled for discussion.

First respondent filed a counter affidavit narrating the circumstances that led to the submission of requisition by the petitioners and the consequential action taken thereon. He sought to justify the deviation of items from the agenda prepared by the petitioners on the ground that the discussion thereon would lead to several complications.

The third respondent filed a counter affidavit stating that he convened a meeting on 17-02-2007 and on account of disturbance created by the petitioners, the same could not be continued. He submitted that the items for discussion incorporated in the requisition

are untenable and even contrary to the provisions of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') and the Rules made thereunder.

Heard Smt Bobba Vijaya Lakshmi and the learned Government Pleader for Cooperation and Sri G.V.Shivaji, learned counsel for the third respondent.

Section 32 of the Act prescribes the procedure for holding meetings of General Bodies and Managing Committees of the Societies. Proviso to Sub-section (3) of Section 32 mandates that wherever a requisition is given for convening a meeting of a Committee, he shall hold such meeting within fifteen days from the date of receipt of such requisition. Sub-section (5) thereof empowers the competent authority under the Act to hold a meeting on the basis of a requisition, in case, the President fails to discharge his duty.

The petitioners constituted a substantial majority of the Committee. They issued a requisition on 24-01-2007 to table three items for discussion including the one for opting a member of the society against a vacancy in the Managing Committee. The record discloses that the third respondent did not accede to the request of the petitioners. It was under these circumstances that the first respondent decided to convene a meeting on 28-03-2007. However, the agenda fixed for that meeting is totally different from the one proposed by the petitioners. Even though notice dated 08-03-2007 is silent as to the basis for convening it, the counter affidavit filed by the first respondent clearly discloses that it is being convened on the requisition of the petitioners. Therefore, the agenda fixed by the petitioners has to be taken up for discussion. If the first respondent is of the view that any other items are to be discussed in the meeting, they can be added to it. Complete substitution of agenda is

clearly impermissible.

The Writ Petition is disposed of directing that the first respondent shall include the items contained in the requisition in the agenda fixed for the meeting to be held on 28-03-2007 and proceed with the same. The resolution passed in the meeting shall accord with the provisions of the Act and the Rules made thereunder. No order as to costs.

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23-03-2007

Note:Furnish copy by Monday
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